

R430-100-3: LICENSE REQUIRED

A person or persons must be licensed as a child care center under this rule if:

- (1) they provide care in the absence of the child's parent;**

[Rationale / Explanation](#)

Preschools and other programs that care for children for less than 4 hours per day are not required to be licensed. This includes preschools that have a morning and afternoon session, each less than 4 hours, provided that the same children do not attend both the morning and afternoon sessions.

- (2) they provide care in a place other than the provider's home or the child's home;**

[Rationale / Explanation](#)

Care provided in the provider's home is regulated as either licensed family or residential certificate care. Care provided in the child's home is not regulated by the Department of Health.

- (3) they provide care for five or more children, for four or more hours per day;**

[Rationale / Explanation](#)

Providers who care for four or fewer children are not required by statute to be regulated, whether the care is provided in a home or center.

- (4) they provide care for each individual child for less than 24 hours per day;**

[Rationale / Explanation](#)

Centers that provide live-in 24 hour per day care are regulated as residential facilities, not child care centers.

In statute, a child in care is defined as a child under the age of 13 and under the age 18 for individuals with disabilities.

- (5) the program is open to children on an ongoing basis for four or more weeks in a year; and**

[Rationale / Explanation](#)

This means that children attend the program on a regular basis, as opposed to occasional drop-in care.

- (6) they provide care for direct or indirect compensation.**

[Rationale / Explanation](#)

Direct or indirect compensation means that there is a user charge or fee for the care provided.